

## REMARKS/ARGUMENTS

### **1. Claim Amendments**

The Applicant has amended claims 18, 23, 28, and 32-34 and claims 20, 25 and 30 have been canceled. Accordingly, claims 18-19, 21-24, 26-29 and 31-34 are pending in the application. Favorable reconsideration of the application is respectfully requested in view of the foregoing amendments and the following remarks.

### **2. Examiner Objections - Claims**

Claims 32-34 were objected to because of informalities. The Applicant appreciates the Examiner's thorough review of the claims. The Applicant has amended the claims as suggested by the Examiner in order to correct the informalities. The Examiner's consideration of the amended claims is respectfully requested.

### **3. Claim Rejections – 35 U.S.C. § 102(e)**

Claims 18, 22-23, 27-28, and 31-34 stand rejected under 35 U.S.C. § 102(e) as being anticipated by Jennings, et al. (US 6,430,174 hereinafter "Jennings"). Applicant has amended independent claims 18, 23 and 28 to incorporate the limitations of canceled claims 20, 25 and 30, respectively, thus rendering the rejection of these claims moot. As amended, the three steps/elements of claims 18, 23 and 28 now include the limitation that they are performed as provided in, or performed by, a SIP application server for Shared Multimedia Services. This additional feature is not disclosed or suggested by Jennings. Jennings only describes a single communication system capable of setting up a data channel to a user on the same user voice device, or on a different data device in parallel with the voice device, for the purpose of providing some additional information to the user regarding the voice call, and not for transferring media in parallel to the voice call, as in the present invention. More specifically, the communication system of Jennings includes a voice subsystem and a multimedia subsystem. The voice subsystem couples to the PSTN and services a voice communication received by the communication system from a caller. The multimedia subsystem couples to the voice subsystem (emphasis added) and supports multimedia

communications. In supporting multimedia communications, the multimedia subsystem of Jennings provides a multimedia interface to the caller upon receipt of the voice communication from the caller. Based upon interaction with the caller thereinafter, the multimedia subsystem supports communication functions via the multimedia interface.

In contrast, the present invention, as claimed, discloses a method/apparatus for two communication systems (a CS network and a PS network) to automatically discover whether a packet data channel can be established between a caller and a called party by the two communication systems for transfer of real time media, such as video, or non-real time media, such as images, in parallel with the voice call. The architecture of Jennings cannot, in any sense, be equated to that of the present invention.

Claims 22 and 31-34 depend from amended claim 18 and recite further limitations in combination with the novel elements of claim 18. Claim 27 depends from amended claim 23 and recites further limitations in combination with the novel elements of claim 23. Therefore, the allowance of claims 18, 22-23, 27-28, and 31-34 is respectfully requested.

#### 4. **Claim Rejections – 35 U.S.C. § 103 (a)**

Claims 19-21, 24-26, and 29-30 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Jennings in view of Sylvain (US 2004/0120498 hereinafter “Sylvain”). Applicant respectfully traverses the rejection. As noted above, Jennings does not disclose or suggest a method/apparatus for two communication systems (a CS network and a PS network) to automatically discover whether a packet data channel can be established between a caller and a called party by the two communication systems for transfer of real time media, such as video, or non-real time media, such as images, in parallel with the voice call. Sylvain fails to cure the deficiencies of Jennings. Sylvain only discloses how a telephony device can be associated with a multimedia client, enabling a voice call to be routed through the packet network via the multimedia client. Hence, Sylvain does not disclose or suggest a method/apparatus for two communication systems (a CS network and a PS network) to automatically discover whether a packet data channel can be established between a caller and a called party

by the two communication systems for transfer of real time media, such as video, or non-real time media, such as images, in parallel with the voice call.

Claims 19-21 depend from amended claim 18 and recite further limitations in combination with the novel elements of claim 18. Claims 24-26 depend from amended claim 23 and recite further limitations in combination with the novel elements of claim 23. Claims 29-30 depend from amended claim 28 and recite further limitations in combination with the novel elements of claim 28. Therefore, the allowance of claims 19-21, 24-26 and 29-30 is respectfully requested.

##### **5. Prior Art Not Relied Upon**

In paragraph 6 on page 5 of the Office Action, the Examiner stated that the prior art made of record and not relied upon is considered pertinent to the Applicant's disclosure. None of the cited references alone disclose, or in combination, disclose or suggest, the present invention.

**CONCLUSION**

In view of the foregoing remarks, the Applicant believes all of the claims currently pending in the Application to be in a condition for allowance. The Applicant, therefore, respectfully requests that the Examiner withdraw all rejections and issue a Notice of Allowance for all pending claims.

The Applicant requests a telephonic interview if the Examiner has any questions or requires any additional information that would further or expedite the prosecution of the Application.

Respectfully submitted,



Michael Cameron  
Registration No. 50,298

Date: November 20, 2008

Ericsson Inc.  
6300 Legacy Drive, M/S EVR 1-C-11  
Plano, Texas 75024

(972) 583-4145  
michael.cameron@ericsson.com